

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36004 of 2023

Arising Out of PS. Case No.-147 Year-2023 Thana- PHULWARIYA District- Gopalganj

1. MUNNA SINGH @ MUNNA KUMAR SINGH Son of Mahesh Singh
Resident of village - Amnaur, P.S. - Amnaur, Distt. - Chhapra
2. Asger Aalam Son of Md. Salim Resident of village - Madaura, Distt. -
Chhapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with
Phulwariya P.S. Case No. 147 of 2023 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act,2018.

As per prosecution case, there is alleged recovery of
total 146.400 litre foreign liquor from the scorio and
motorcycle in question and both petitioners apprehended on spot
in the said scorio.

Learned counsel for the petitioners submits that
petitioners are in custody since 06.05.2023 and bear no criminal



antecedent. He further submits that petitioners have no knowledge regarding alleged recovered liquor kept in the said scorio. Nothing has been recovered from the conscious possession of the petitioners. Petitioners are quiet innocent and have falsely been implicated in the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Session Judge II-cum Special Judge Excise-I, Gopalganj, in connection with Phulwariya P.S. Case No. 147 of 2023 subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates



without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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